

ST 01-0177-GIL 09/05/2001 ELECTRICITY EXCISE TAX

For purposes of collecting tax under the Electricity Excise Tax Law, the term "delivering supplier" does not mean any entity engaged in the practice of resale redistribution of electricity within a building prior to January 2, 1957. See Public Act 92-310. (This is a GIL).

September 5, 2001

Dear Xxxxx:

This letter is in response to your letter dated January 18, 2001. We apologize for the delay in responding to your inquiry. Our response required that we wait to confirm whether legislation regarding the issue presented in your letter would become law. The nature of your letter and the information you have provided require that we respond with a General Information Letter, which is designed to provide general information, is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120 subsections (b) and (c), which can be found at <http://www.revenue.state.il.us/legalinformation/regs/part1200>.

In your letter, you have stated and made inquiry as follows:

COMPANY currently files form RPU 13 Electricity Excise Tax Return. Since August 2000, the property has continued to file RPU 13 but on line 23, takes a Resell Electricity Credit for the amount of taxes due since it pays state tax directly to AAA on a monthly basis. Please respond if COMPANY should continue to take the credit or if it should begin to pay the Illinois Department of Revenue and AAA.

If you have any questions, please call me.

DEPARTMENT'S RESPONSE:

Governor Ryan recently signed Public Act 92-310 into law on August 9, 2001. Public Act 92-310 provides that, for purposes of collecting tax under the Electricity Excise Tax Law, the term "delivering supplier" does not mean any entity engaged in the practice of resale redistribution of electricity within a building prior to January 2, 1957. Entities that qualify under Public Act 92-310 are no longer required to file Form RPU-13 and remit Electricity Excise Tax to the Illinois Department of Revenue. These entities satisfy their Electricity Excise Tax liability by paying the tax directly to their suppliers.

I hope this information is helpful. The Department of Revenue maintains a website, which can be accessed at www.revenue.state.il.us. If you have further questions related to the Illinois sales tax laws, please contact the Department's Taxpayer Information Division at (217) 782-3336.

If you are not under audit and you wish to obtain a binding Private Letter Ruling regarding your factual situation, please submit all of the information set out in items 1 through 8 of Section 1200.110(b) described above.

Very truly yours,

Terry D. Charlton
Associate Counsel

TDC:msk